

Remarks/Arguments:

Claims 1-33 are pending and stand rejected.

By this Amendment, claims 12, 15 and 17 are amended.

No new matter is presented by the claim amendments.

Rejection of Claims 1-4, 7 and 9-10 under 35 U.S.C. §103(a)

In the Office Action, at item 2, claims 1-4, 7 and 9-10 are rejected under 35 U.S.C. §103(a) as unpatentable over Purdum (U.S. Patent No. 5,899,088) in view of Masaaki (JP 07-091594) in further view of Burdick (U.S. Patent No. 7,214,402).

This rejection is respectfully traversed.

Claim 1

Claim 1 is directed to a method of delivering frozen products and recites:

... loading the cold-insulating container in a vehicle that is maintained at a temperature above a freezing temperature of the frozen products.

Purdum Reference

In the Office Action, at page 2, the Examiner acknowledges that Purdum does not disclose " ... loading the cold-insulating container in one of a refrigerator vehicle, cold-insulating vehicle, and room-temperature vehicle other than a freezer vehicle for delivery."

Masaaki Reference

Masaaki is directed to a vacuum insulating body including a facial porous core material 1 coated with a pair of gas barrier property laminate films 2. A gap between the upper and lower films 2, 2 is sealed by forming a dense body 3 of a hot melt adhesive resin composition. Masaaki, however, is silent regarding loading of a cold-insulating container in a vehicle.

Burdick Reference

In the Office Action, at page 2, the Examiner contends that Burdick discloses "loading cold-insulating container in one of a refrigerator vehicle, cold-insulating vehicle, and room

temperature vehicle other than a freezer vehicle for delivery.” That is, the Examiner relies on Burdick to teach the loading of such a cold-insulating container in a vehicle. Applicants respectfully disagree with the Examiner’s contention. More particularly, Burdick discloses that once a batch of hopped wort has been produced in a brew kettle 22, a preselected amount of the hopped wort batch can be drawn off and quickly cooled from its boiling point to a temperature below which microbial activity can normally be expected to occur. (See Burdick at Col. 6, lines 16-20.) The heat exchanger 44 cools the hopped wort from approximately 220°F to within the range of 29 °F to 40 °F. The chilled wort is then transferred through a second conduit 46 that is in flow communications with the chilled wort holding vessel 48. Once chilled, the unfermented hopped wort may be held within the desired temperature range in the chilled wort holding vessel 48 until transfer of the wort to a transfer vessel 54A-54E. (See Burdick at Col. 6, lines 37-50.) Thus, Burdick teaches the transfer of chilled wort (but NOT a container holding chilled wort) from a holding vessel 48 to a transfer vessel 54A-54E. Burdick, however, is silent regarding the loading of a container (i.e., the cold-insulating container) in a vehicle.

Accordingly, it is submitted that claim 1 patentably distinguishes over Purdum in view of Masaaki and further in view of Burdick for at least the above-mentioned reasons.

Claims 2-4, 7 and 9-10

Claims 2-4, 7 and 9-10, which include all of the limitations of claim 1, are submitted to patentably distinguish over Purdum in view of Masaaki in further view of Burdick for at least the same reasons as claim 1.

Rejection of Claims 5 and 8 under 35 U.S.C. §103(a)

In the Office Action, at item 9, claims 5 and 8 are rejected under 35 U.S.C. § 103(a) as unpatentable over Purdum in view of Masaaki and Burdick in further view of Bane (U.S. Patent No. 5,441,170).

This ground of rejection is respectfully traversed.

Claims 5 and 8, which include all of the limitations of claim 1, are submitted to patentably distinguish over Purdum in view of Masaaki in further view of Burdick for at least the same reasons as claim 1.

Bane Reference

The addition of Bane does not overcome the deficiencies of Purdum, Masaaki and Burdick. This is because, Bane does not disclose or suggest "loading the cold insulating container in a vehicle that is maintained at a temperature above a freezing temperature of the frozen products," as required by claim 1. Although Bane discloses the use of reusable insulating shipping containers for transporting multiple uniquely temperature sensitive objects, Bane is silent regarding the loading of such containers into a vehicle that is maintained at a temperature above a freezing temperature of the frozen products.

Accordingly, claims 5 and 8 are submitted to patentably distinguish over Purdum in view of Masaaki and Burdick in further view of Bane for at least the same reasons as claim 1.

Rejection of Claim 6 under 35 U.S.C. §103(a)

In the Office Action, at item 12, claim 6 is rejected under 35 U.S.C. §103(a) as unpatentable over Purdum in view of Masaaki and Burdick in further view of Konarski (U.S. Patent No. 6,519,968).

This ground of rejection is respectfully traversed.

Claim 6, which includes all of the limitations of claim 1, is submitted to patentably distinguish over Purdum in view of Masaaki in further view of Burdick for at least the same reasons as claim 1.

Konarski Reference

The addition of Konarski does not overcome the deficiencies of Purdum, Masaaki and Burdick. This is because, Konarski does not disclose or suggest "loading the cold-insulating container in a vehicle that is maintained at a temperature above a freezing temperature of the frozen products," as required by claim 1. Konarski is directed to shipping containers for exothermic material and discloses an inner container within an outer container and a coolant within the outer container. Konarski, however is silent regarding how such containers are shipped (i.e., the loading of such containers into vehicles that maintain a temperature above a freezing temperature of the frozen products).

Accordingly, it is submitted that claim 6 patentably distinguishes over Purdum in view of Masaaki and Burdick in further view of Konarski for at least the same reasons as claim 1.

Rejection of Claims 11-12 and 15 under 35 U.S.C. §103(a)

In the Office Action, at item 14, claims 11-12 and 15 are rejected under 35 U.S.C. §103(a) as unpatentable over Purdum in view of Masaaki and Burdick in further view of Casutt (U.S. Patent No. 4,129,248).

This ground of rejection is respectfully traversed.

Claims 11-12 and 15, which include all of the limitations of claim 1, are submitted to patentably distinguish over Purdum in view of Masaaki in further view of Burdick for at least the same reasons as claim 1.

Casutt Reference

The addition of Casutt does not overcome the deficiencies of Purdum, Masaaki and Burdick. This is because, Casutt does not disclose or suggest "loading the cold-insulating container in a vehicle that is maintained at a temperature above a freezing temperature of the frozen products," as required by claim 1. Instead, Casutt is directed to a folding box for containing and displaying articles and is silent regarding a cold-insulating container or a vehicle that is maintained at a temperature above a freezing temperature of the frozen products.

Accordingly, claims 11-12 and 15 are submitted to patentably distinguish over Purdum in view of Masaaki and Burdick in further view of Casutt for at least the same reasons as claim 1.

Rejection of Claims 13 and 14 under 35 U.S.C. §103(a)

In the Office Action, at item 19, claims 13-14 are rejected under 35 U.S.C. §103(a) as unpatentable over Purdum in view of Masaaki, Burdick and Casutt in further view of Kutun (U.S. Patent Publication No. 2004/0118854).

This ground of rejection is respectfully traversed.

Claims 13 and 14, which include all of the limitations of claim 1, are submitted to patentably distinguish over Purdum in view of Masaaki, Burdick and Casutt for at least the same reasons as claim 1.

Kutun Reference

The addition of Kutun does not overcome the deficiencies of Purdum, Masaaki, Burdick and Casutt. This is because, Kutun does not disclose or suggest "loading the cold-insulating container in a vehicle that is maintained at a temperature above a freezing temperature of the frozen products," as required by claim 1. Although Kutun is directed to a cargo storage and organization apparatus and discloses the use of such an apparatus with a vehicle, Kutun is silent regarding a cold-insulating container or a vehicle that is maintained at a temperature above a freezing temperature of the frozen products.

Accordingly, claims 13 and 14 are submitted to patentably distinguish over Purdum in view of Masaaki, Burdick and Casutt in further view of Kutun for at least the same reasons as claim 1.

Rejection of Claims 16-17 and 20-33 under 35 U.S.C. §103(a)

In the Office Action, at item 24, claims 16-17 and 20-33 are rejected under 35 U.S.C. §103(a) as unpatentable over Purdum in view of Casutt and in further view of Masaaki.

This ground of rejection is respectfully traversed.

Claim 16

Claim 16 is directed to a collapsible cold-insulating container using members, and recites:

... each of the members is formed of a sheet material enveloping a planar vacuum heat-insulating material therein, and the cold-insulating container is collapsible with the respective members forming a box when in use, and the respective members overlapping with one another when not in use.

That is, the sheet material envelopes a planar vacuum heat-insulating material.

Purdum Reference

Purdum is discussed above. Purdum also discloses a temperature control element 140, 140' preferably formed from polystyrene or any similar, rigid or semi-rigid plastic. Purdum, however, is silent regarding members formed of "a sheet material enveloping a planar vacuum heat-insulating material therein," (emphasis added) as required by claim 16. This is because, Purdum does not contemplate the use of a sheet material and that such a sheet material envelops another material (i.e., a planar vacuum heat-insulating material).

Casutt Reference

Casutt is discussed above. Casutt is silent regarding members formed of "a sheet material enveloping a planar vacuum heat-insulating material therein," (emphasis added) as required by claim 16. This is because, Casutt does not contemplate the use of a sheet material enveloping another material (i.e., a planar vacuum heat-insulating material).

Masaaki Reference

Masaaki, as discussed above, is directed to a vacuum insulating body including a facial porous core material 1 coated with a pair of gas barrier property laminate films 2. A gap between the upper and lower films 2, 2 is sealed by forming a dense body 3 of a hot melt adhesive resin composition. Contrary to the invention recited in claim 16, Masaaki teaches that the upper and lower films 2, 2 have gaps filled by hot melt adhesive resin composition. That is, Masaaki does not disclose or suggest members formed of "a sheet material enveloping a planar vacuum heat-insulating material therein," (emphasis added) as required by claim 16. That is, the upper and lower films 2, 2, which have gaps, cannot envelop (completely enclose) the facial porous core material 1.

Accordingly, claim 16 is submitted to patentably distinguish over Purdum in view of Casutt and further in view of Masaaki for at least the above-mentioned reasons.

Claim 17

Claim 17, which includes similar but not identical features to those of claim 16, is submitted to patentably distinguish over Purdum in view of Casutt and further in view of Masaaki for at least similar reasons to those of claim 16.

Claims 20-33

Claims 20-33, which include all of the limitations of claim 16 of claim 17, are submitted to patentably distinguish over Purdum in view of Casutt and further in view of Masaaki for at least the same reasons as their respective independent claims.

Rejection of Claims 18-19 under 35 U.S.C. §103(a)

In the Office Action, at item 42, claims 18-19 are rejected under 35 U.S.C. §103(a) as unpatentable over Purdum in view of Casutt and Masaaki in further view of Kutun.

This ground of rejection is respectfully traversed.

Claims 18 and 19, which include all of the limitations of claim 17, are submitted to patentably distinguish over Purdum in view of Casutt in further view of Masaaki for at least the same reasons as claim 17.

Kutun Reference

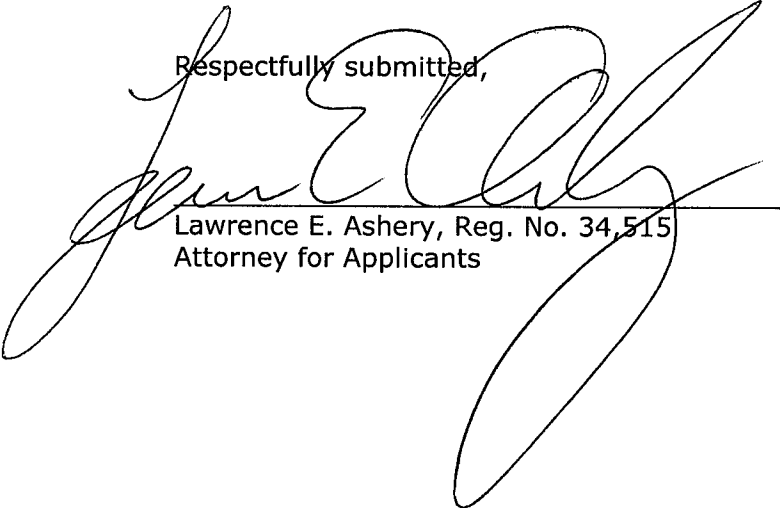
Kutun is discussed above. Kutun also discloses that panels 26a-26d, 26a'-26d', 30, 31, 126a-126d, 130, 131a, 131b, 132 and 229 may be made of materials such as plastics, elastomers, corrugated cardboard, lightweight foam, rubber material, wood material, metal and/or any combination thereof. Kutun, however, is silent regarding members formed of "a sheet material enveloping a planar vacuum heat-insulating material therein," (emphasis added) as required by claim 17. This is because, Kutun does not contemplate the use of a planar vacuum heat-insulating material or a sheet material that envelops such a planar vacuum heat-insulating material.

Accordingly, claims 18-19 are submitted to patentably distinguish over Purdum in view of Casutt and Masaaki further in view of Kutun for at least the same reasons as claim 17.

Conclusion

In view of the foregoing remarks and amendments, Applicants respectfully assert that the above-identified application is in condition for allowance which action is respectfully requested.

Respectfully submitted,



Lawrence E. Ashery, Reg. No. 34,515
Attorney for Applicants

LEA/dmw/nm

Dated: May 18, 2009

P.O. Box 980
Valley Forge, PA 19482
(610) 407-0700

410183